



भारत का राजपत्र

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No. 36]

NEW DELHI, SATURDAY, DECEMBER 5, 1987/AGRAHAYANA 14, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

(संघ राज्य की अधिकारियों को छोड़कर) केन्द्रीय अधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिकारियाएँ

Orders and Notifications issued by Central Authorities (other than Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 28 अक्टूबर, 1987

बा.अ. 128—लोक प्रतिनिधित्व अधिनियम 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग, दूसरे द्वारा गोहाटी उच्च न्यायालय के तारीख 18-9-1987 के निर्णय सथा आदेश को निर्वाचन अर्जी सं. 1986 का 6 में प्रकाशित करता है।

[सं./82 अस-लो.स./6/86]

आदेश से,
एस.डी. प्रसाद, अवर सचिव

ELECTION COMMISSION OF INDIA
New Delhi, the 28th October, 1987

18-9-1987 of the Gauhati High Court in Election Petition
No. 6 of 1986.

O.N. 128.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgment and Order dated

[No. 82/AS-HP/6/86]

By Order,
S. D. PERSHAD, Under Secy.

87/I664 GI

(331)

IN THE GAUHATI HIGH COURT
 (THE HIGH COURT OF ASSAM, NAGALAND,
 MEGHALAYA, TRIPURA, MANIPUR, ARUNACHAL
 PRADESH)

Election Petition No. 6 of 1986

Versus

Shri Rajani Kumar Dutta ...Petitioner.
 Versus

The Chief Election Commissioner
 and others ...Respondents.

PRESENT:

The Hon'ble Mr. Justice J. M. Srivastava.

For the Petitioner.—Mr. Rajani Kumar Dutta, in person.

For the Respondents.—Mr. P. Prasad, Sr. Government Advocate Assam for Respondent Nos. 1, 2, and 3 Mr. P. Pathak, Mr. N. Dutta and Mr. C. Choudhury for respondent No. 5.

Date of hearing.—28-8-1987.

Date of Judgment.—18-9-1987.

JUDGMENT AND ORDER

This petition by Shri Rajani Kumar Dutta one of the contesting candidates challenging the election of Respondent No. 3 of the House of People from 14-Lakhimpur Parliamentary Constituency at the General Election held in Assam in December, 1985 was presented on 6-2-86. The date of election of the returned candidate was 22-12-85. This election petition was therefore not presented within 45 days as required in the mandatory provision of Sub-section (1) of Section 81 of the representation of People Act 1951, hereafter the 'Act'.

2. In Misc. Case No. 2 of 1986 the petition's prayer for treating the petition filed on 6-2-86 as presented on 5-2-86 for reasons stated in the order made therein, earlier today, has been rejected.

3. In view of the mandatory provision of sub-section (1) of Section 86 of the Act, this Election Petition, not having been presented within time as shown above has to be dismissed. The petition is dismissed. Parties shall bear their own costs.

4. The security deposit made by the petitioner shall be returned to him. The Election Commission and the Speaker of the House of People shall be intimated the substance of the decision and an authenticated copy thereof, shall be sent to the Election Commission of India.

Sd./-

J. M. SRIVASTAVA, Judge

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND
 MEGHALAYA, MANIPUR, TRIPURA, MIZORAM AND
 ARUNACHAL PRADESH)

Misc. Case No. 2 of 1986

IN

Election Petition No. 6 of 1986

Shri Rajani Kumar Dutta ...Petitioner.

Versus

The Chief Election Commissioner
 and others ...Respondents.

PRESENT:

The Hon'ble Mr. Justice J. M. Srivastava.

For the Petitioner—Mr. Rajani Kumar Dutta, in person.

For the Respondents—Mr. P. Prasad, Sr. Government Advocate Assam for Respondent Nos. 1, 2, and 3 Mr. P. Pathak, Mr. N. Dutta and Mr. C. Choudhury for Respondent No. 5.

Date of hearing—28-8-1987.

Date of Judgment—18-9-87.

JUDGMENT AND ORDER

This is an application in Election Petition No. 6 of 1986, with the prayer that the said Election Petition which was presented on 6-2-86, should be treated as having been presented on 5-2-86.

2. Briefly the facts are, that petitioner Shri Rajani Kumar Dutta had contested the general election held in Assam in December, 1985, for election to the House of People, from 14-Lakhimpur Parliamentary Constituency, for which the polling took place on 10-12-85 and the result was declared on 22-12-85. The respondent-Opposite Party No. 5 was declared elected.

3. The petitioner challenged the election of Respondent No. 5 on various grounds, by presenting an election petition on 6-2-86 which was registered as Election Petition No. 6 of 1986. The Petitioner also moved this application alleging that he had actually presented the Election Petition in the filing section of this High Court on 5-2-86 before 4.30 P.M. but the petition was wrongly not accepted, that he had brought the matter to the notice of the High Court authorities concerned namely the Superintendent of the filing section, Deputy Registrar and also the Registrar, but the petition was not accepted, that 5-2-86 was the last day of the limitation period of 45 days computed from 22-12-85, the date on which the returned candidate was declared elected. The petitioner, has therefore prayed that the Election Petition should be treated as having been presented on 5-2-86.

4. The opposite parties Respondent No. 1 to 5 in the Election Petition have opposed the prayer on the grounds that the petitioner's submission that he had presented the Election Petition on 5-2-86 was not correct that his petition was not ready in all respects and that is why it had probably not been accepted, and further that in any case under the Election Law there is no provision for treating an Election Petition which was actually represented on 6-2-86 as having been presented on 5-2-86.

5. In support of his application, the petitioner has filed his own affidavit and affidavits of Debeshwar Choudhury who was personal security officer attached with the petitioner at the time, and of Manik Chandra Saikia who was the Election Agent of the Petitioner. The petitioner and Debeshwar Choudhury were cross-examined on their affidavit by the learned counsel for the Opposite parties. Manik Chandra Saikia could not make himself available for cross-examination by the Opposite parties and accordingly his affidavit, in the absence of cross-examination, is excluded from consideration. The Opposite parties did not produce any evidence.

6. I have heard the petitioner who is an advocate, in person and Shri P. Prasad, learned counsel for the Opposite parties Nos. 1 to 4 and Shri P. Pathak, learned counsel for Opposite Party No. 5.

7. The two questions which arise for consideration are firstly, whether under the 'law', the prayer made by the petitioner is permissible, and secondly whether the petitioner has established that he had presented the Election Petition on 5-2-1986.

8. So far as the first question is concerned the 'law' relating to election, election disputes and the manner in which such dispute can be raised, and decided is a special law and its provisions have to be strictly enforced. "Part XV of the Constitution, which is the Supreme law of the country provides for elections. Art. 327 in Part XV provides that the Parliament may make law with respect to all matters relating to election to either house of Parliament." Art. 329 in its clause (b) provides that—Notwithstanding anything in the constitution.—

"No election is called before House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature."

The above mandatory provision of the Constitution is clear that an election can be called in question only in such manner as provided for by or under law made by the Legislature.

9. The Representation of People Act 1951 thereafter the Act is one such law made by the Parliament, which is relevant to the matter under consideration. Its preamble shows that the law was made to provide also for decision of disputes arising out of or in connection with such election. Part VI of the Act provides for "Dispute Regarding Election." In its Chapter I, Section 79 gives Definition.

10. Chapter II provides for "Presentation of Election Petitions" Section 80 thereunder, provides that "No election shall be called in question except by an election petition presented in accordance with the provisions of this part." (Emphasis supplied). Section 80-A provides that "High Court is to try election petition". Sub section (1) of Section 81 provides very clearly that an election petition is to be presented within 45 days from the date of election of the returned candidate. Sub section (3) of Section 81 provides that election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be true copy of the petition.

11. The above provision is clear and there can be no doubt, that an election petition must be presented within 45 days, which is the period of limitation provided by the above special law relating to election. Section 82 speaks of parties in the petition. Section 83 provides for the contents of the petition; Section 84 provides the reliefs, which may be claimed by the petitioner. Chapter III under Part VI provides for trial of election petition. Section 86-Sub-section (1) thereunder, provides—"The High Court shall dismiss an election petition which does not comply with the provisions of Section 81 or section 82 or section 117". (emphases supplied).

12. The above provisions of the special law relating to election petition are explicit and mandatory, and there is absolutely no scope for any deviation in the manner and procedure laid down. The High Court has not been vested with any power other than, that have been specified. The effect of the mandatory provision of sub-section (1) of Section 85 is, that if an election petition has not been presented in accordance with the provisions, there is absolutely no power or discretion with the High Court other than that to dismiss the petition.

13. The Election petition No. 6 of 1986 in the instant case, was presented on 6-2-86. The date of election of the returned candidate was 22-12-85. The period of limitation of 45 days expired on 5-2-86. The election Petition was not presented within 45 days. There is no provision in the election law, under which this court may treat the election petition filed on 6-2-86 as presented on 5-2-86, as prayed by the petitioner. I therefore held that the prayer made is not permissible under the law.

14. As regards the second question, as noted earlier, there is only the evidence of the petitioner himself and his Security Officer Debbaran Chowdhury. The latter's evidence is hardly of any value and hence is of no help, for in cross-examination he said that while he did come to High Court—he had not gone inside the building to any office, which clearly means that he could not have seen, as to when and where the petitioner had gone inside the High Court building. The petitioner tried, to explain that the witness meant, that he had not gone to any office other than in High Court but the statement, was quite clear that, he had not, gone to any office inside the building. The evidence of the witness on the question that, whether or not the petition was presented on 5-2-86 is therefore not of any use. The learned counsel for the respondents, has referred to the witness's statement

that the petitioner had come back from Tezpur after 3 or 4 days but, that part of the statement appears to be due to mistake, because there is reliable material like petitioner's affidavit sworn on 5-2-86, which shows that the petitioner was in Gwahati on 5-2-86. The petitioner has stated that he had taken the petition with affidavit, which was sworn, as per endorsement of the Commissioner for affidavit who was the Superintendent of the Filing Section of this Court on the first floor of the High Court building at 3.45 P.M. The Superintendent Shri D. N. Sarma had told him to give the petition to the Filing Assistant sitting on another table, he gave the petition to the Filing Asstt. who enquired about the copies. Since he had not taken the copies with him, he came down to the place, on the ground floor, where copies were being prepared (papers were being stitched). After collecting the copies he along with his counsel Mr. K. K. Bhatra and petition writer Bhupen Sarma went to the Filing Section, but the petition was not accepted; that asked the Superintendent Shri D. N. Sharma, but he expressed his inability, then he went to the Deputy Registrar Shri B. K. Talukdar who called Shri Sarma and enquired why the petition was not accepted but nothing was done. Then he accompanied by his counsel Shri K. K. Bhatra went to the Registrar (Jdrl.) Shri N. Das on the ground floor. It was 4.25 at that time. Several persons were present in the room of the Registrar (Jdrl.) when he spoke to him about his petition, not being accepted by the Filing section; that the Registrar asked him to go and file the petition in the Filing section again and to note the time, but by the time he came to Filing section, Shri Sarma (Supdt.) was leaving and the Filing Assistant also left and then he went to the Chamber of the Hon'ble Chief Justice, but just then the Hon'ble Chief Justice was also leaving the Chamber. He was annoyed and angry and leaving the papers, he came away; that the next day i.e. 6-2-86 he filed the petition. On above facts the petitioner has contended that he had presented the petition on 5-2-86, but it was not accepted.

15. The Gauhati High Courts Rules in Chapter VIII-A contain Special provision relating to procedure in Election Petition under the Representation of People Act, 1951—

Rule 1 provides that an election petition may be presented before the Stamp reporter of the Court.

The Superintendent of the Filing section is the Stamp reporter of the Court and also Commissioner for Affidavits.

16. Shri P. Prasad, learned counsel for the Opposite party—Respondents has argued that the petitioner's own statement shown that he came to Gauhati from North Lakhimpur on 31st January, 1986; that no 3rd February he went to Tezpur to get the Election Petition prepared and had left Tezpur in the night of 4th and arrived Gauhati on 5th February which was the last day for presentation of the petition; that the petitioner's own statement shows that on 5-2-86 after coming from Tezpur, the copies of result sheets were made and that the copies of annexures were being made in the High Court. According to the petitioner's own statement the required copies were not ready until he went for swearing the affidavit that, is that the petition was not ready for presentation when the petitioner had sworn the affidavit since the copies were then not ready. Shri P. Prasad, learned counsel for the Opposite parties submitted that no reason has been shown why if indeed the petition and its copies were ready, the Filing section would not have accepted the same, if presented on 5-2-86 that the petitioner has not produced any other witness to support his statement that he had presented the petition on 5-2-86, that even though he had earlier taken the summons for the witness, he had later returned the same, that in any case since it was the petitioner's burden to establish, that he had presented the petition on 5-2-86, he should have produced Shri Sarma Superintendent or Shri Talukdar, Deputy Registrar (Jdrl.) or the Registrar (Jdrl.) or any of the other person who are stated to have been in the room of the Registrar (Jdrl.) or atleast the petition writer Bhupen Sarma or his own counsel Shri K. K. Bhatra. Since he had not produced any witness, it may be safe to presume that if he had produced them they would not have supported his case because the copies were not ready and so the petitioner could not present the petition. The learned

counsel also submitted that it, could be that he wanted to the incomplete petition, that in any case in the absence of any other corroborative evidence in support of the statement of the petitioner cannot be accepted that he had presented the petition on 5-2-86. The petitioner himself has however stated that he had presented the petition on 6-2-86 when it was accepted. Shri P. Pathak, learned counsel for the Opposite Party No. 5 has also made submission on the same lines.

17. On careful consideration of the petitioner's evidence, I find it difficult to accept that the election petition had been presented on 5-2-86, because no reason has been shown as to why the petition if presented on 5-2-86 would not have been accepted. The petitioner has submitted that his petition was against the winning (then) AGP candidate (respondent No. 5) therefore his petition had not been accepted. This submission does not appear to be reasonable because some election petition had earlier been filed and had been accepted, five petitions had been filed earlier, and the number of the petition filed by the petitioner Election Petition No. 6/86, shows. Moreover the petitioner could have produced some of the witnesses who had accompanied him and were with him when he had presented the petition in the Filing section or when he had met the Deputy Registrar or Registrar (Judl.) The fact that the petitioner has not produced any such person nor even his own counsel or the petition writer, can not be ignored and accordingly it is

difficult to accept his version that the petition with required number of copies was ready. Considering that even at the time he had gone to swear the affidavit i.e. about 3.45 P.M. his petition was not ready in that according to his own version the copies were being made ready the probability that, the petitioner wanted his incomplete petition to be accepted can not be ruled out. In my opinion, on the evidence on record—it cannot be said that the petition had been presented on 5-2-86 in accordance with the provisions of Section 81 of the Act.

18. The petitioner has argued that the respondent No. 5 the retired candidate has not produced any evidence. The burden to prove that the petition had been presented in accordance with the provision of the Act was on the petitioner and hence the fact that the respondents has not produced evidence is of no material of significance.

19. On consideration of the evidence produced by the petitioner as above, I hold that the petitioner had not presented the petition on 5-2-86.

20. For the aforesaid reasons this application is dismissed.

Sd./-

(J. M. SRIVASTAVA),
JUDGE.

नई दिल्ली 9 नवम्बर, 1987

आदेश

आ.अ. 129—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट हरियाणा विधान सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन भेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाले अभ्यर्थी, सोक प्रतिनिधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात निर्वाचन आयोग का यह समाधान हो गया कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है,

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तरीक्षा से तीन वर्ष को कालाश्रय के लिए निरर्हित घोषित करता है।

सारणी

क्र.सं. निर्वाचन का विवरण	निर्वाचन क्षेत्र की क्र.सं. और नाम	निर्वाचन नहीं लड़ने वाले अभ्यर्थी का नाम व पता	निरदृता का कारण	
1	2	3	4	5
1. हरियाणा विधान सभा का साधारण निर्वाचन, 1987	33-बैरी	श्री उमेद सिंह, गांव ब डाक छोड़र, जिला रोहतक (हरियाणा)	निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।	
2. —वही—	—वही—	श्री मुरारी लाल, गांव ब डाक बैरी, पाना चाजन, जिला रोहतक (हरियाणा)	—वही—	
3. —वही—	37-वाहन राघ	श्री अशोक, 12/387, बालमीकी वस्ती, वहाडुराघ (रोहतक)	—वही—	

1	2	3	4	5
4.	हरियाणा विधान सभा का साधारण नियमित, 1987	33-बेरी	श्री हंस राज, गांव चमनपुरा, डाक दुजाना, जिला रोहतक, (हरियाणा)	नियंत्रित वर्धों का कोई भी लेखा दाखिल करने में असक्त रह।
5.	—वही—	37-बहादुरगढ़	श्री ओम प्रकाश, म.नं. 879, खरखोदा रोड, सामपला, जिला रोहतक	—वही—
5.	—वही—	—वही—	श्री फते सिंह, वस्ती खटीकान, बाड़ नं. 14, बहादुरगढ़ (हरियाणा)	—वही—
7.	—वही—	—वही—	श्री वाली राम, गांव व डाक भामनोली, तहसील बहादुरगढ़ (हरियाणा)	—वही—
8.	—वही—	—वही—	श्री महिन्द्र सिंह, म.नं. 26, गली नं. 5, महाबीर पार्क, बहादुरगढ़ (रोहतक)	—वही—
9.	—वही—	—वही—	श्री साधू राम, गांव व डाक आसोदा टोडरान, तहसील बहादुरगढ़ (हरियाणा)	—वही—

[सं. हर.-वि.स./87(i)]

New Delhi, 9th November, 1987

ORDER.

O. N. 129.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Haryana Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses or failed to lodge the account within the time and/or in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason for justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this Order:

TABLE

S. Particulars of election No.	S. No. and name of of constituency	Name and address of the candidate	Reasons for disqualification.	
1	2	3	4	5
1.	General Election to Haryana Legislative Assembly, 1987	33-Berri	Shri Umed Singh, Vill. and P.O. Dhaur, Distt. Rohtak (Haryana)	Failed to lodge the account of election expenses.

1	2	3	4	5
2.	General Election to Haryana Legislative Assembly, 1987	33-Berri	Shri Murari Lal, Vill. & P.O. Berri, Pana Chhajon, Distt. Rohtak (Haryana)	Failed to lodge any account of election expenses.
3.	-do-	37-Bahadurgarh	Shri Ashok, 12/387, Balmiki Basti, Bahadurgarh (Rohtak)	-do-
4.	-do-	33-Berri	Shri Hans Raj, Village Chamanpura, P.O. Dujana, Distt. Rohtak, (Haryana),	-do-
5.	-do-	37-Bahadurgarh	Shri Om Parkash, H.No. 879, Kharkhoda Road, Sampla, Tehsil Rohtak	-do-
6.	-do-	-do-	Shri Fate Singh, Basti Khatikan, Ward No. 14, Bahadurgarh (Haryana)	-do-
7.	-do-	-do-	Shri Bhalle Ram, Village & P.O. Bhamboli Tehsil Bahadurgarh. (Haryana)	-do-
8.	-do-	-do-	Shri Mohinder Singh, H. No. 26, Gali No. 5, Mahabir Park, Bahadurgarh (Rohtak).	-do-
9.	-do-	-do-	Shri Sadhu Ram, Vill. & P.O. Asodha Todran, Tehsil Bahadurgarh.	-do-

[No. 76/HN-LA/87 (1)]

आदेश

आ. अ. 130—निर्वाचन आयोग का समाधान हो गया है कि जून, 1987 में लोकसभा के लिए हुए उग्र निर्वाचन में 5-रोहतक संसदीय निर्वाचन-क्षेत्र से निर्वाचन लड़ने वाले अभ्यर्थी सर्वथी इंद्रजीत सिंह तुंग 1, संजय गांधी कालोनी फौहांड रोड अमृतसर और तेजवीर सिंह, गांव करेकर साधु पुरा, माजरा, भोरा गरवा, डाकघर चांदपुरी, अलीगढ़ लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा सम्बोधित नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोंक्रित नहीं है,

अतः, अब, निर्वाचन आयोग, लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10-क के अनुसरण में श्री इंद्रजीत सिंह तुंग और श्री तेजवीर सिंह को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा या विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख से हीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. 76/हरि.—सौ. स./87-उप]

आदेश से,
सूरज प्रकाश, अवर सचिव

ORDER

O.N. 130.—Whereas the Election Commission is satisfied that S/Shri Indeji Singh Tung, 1, Sanjay Gandhi Colony, Faizgarh Road, Amritsar and Tej Vir Singh, Village Kureka, Sadhu Pura Majra, Bhora Garwa P.O. Chandpuri, Aligad, contesting candidates at the bye-election to the House of the People from 5-Rohilkhand Parliamentary constituency held in June 1987 have failed to lodge any account of their election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidates even after due notice have not given any reason or explanation for the failure and

the Election Commission is satisfied that they have no good reason or justification for the failure;

Now, therefore, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission hereby declares the said Shri Indeji Singh Tung and Shri Tejvir Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of State/Union Territory for a period of 3 years from the date of this Order.

[No. 76/HN-HP/87 (Bye)/7237]

By order,
SURAJ PRAKASH, Under Secy.

आदेश

आ.अ. 131:—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट विधान सभा के उपनिर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अवैधित उक्त सारणी के स्तम्भ (5) यथा उपदर्शित रूप में अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा है,

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या सो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या विसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी

क्र.सं. निर्वाचन का विवरण	निर्वाचन क्षेत्र का प्र.म.	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहित का कारण	
1	2	3	4	5
1. महाराष्ट्र विधान सभा के लिए उपनिर्वाचन, 1987	211-निलंगा सभा निर्वाचन क्षेत्र	श्री गायकवाड दिगम्बर राम स्थान और डाक हूंगारे तालुक निलंगा (महाराष्ट्र) श्री सुरवासे देव्यनोबा नामदेव स्थान और डाक हादगा तालुक निलंगा महाराष्ट्र	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।	—वही—
2. —वही—	—वही—			

[सं. 76/महा-वि.स./211/उप/87]

आदेश से,
टी. सी. सिंघल, अवर सचिव

ORDER

O.N. 131.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the bye-election to the Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expense as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even

after due notice of the Election Commission, after considering the representation made by them if any, is satisfied that they have not good reason or justification for the said failure;

Now, therefore, in pursuance of the section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order:—

TABLE

No. Particulars of election		S.No. and name of constituency	Name of contesting candidates	Reasons for disqualification
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I	2	3	4	5
1.	By-election to Maharashtra Legislative Assembly, 1987	211-Nilanga Assembly Constituency	Shri Gaikwad Digambar Rama At & Post Hangarga Tq. Nilanga. (Maharashtra)	Failed to lodge any account of election expenses
2.	-do-	-do-	Shri Survase Dnyanoba Namdeo At & Post Hadga Tq. Nilanga (Maharashtra)	-do-

[No. 76/MT-LA/211/Bye/87]

By Order,

T.C. SINGHAL, Under Secy.

आदेश

आ. अ. 132.—निर्वाचन आयोग का समाधान हो गया है कि नीवे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट विधान सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन धोत्र से हुआ है, स्तम्भ (4) में उसके साथै विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वारा प्रदान गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपने निर्वाचन व्यक्तियों का कोई भी लेखा अपेक्षित रीति से दाखिल करने में असफल रहा है;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त अराकंतता के लिए कोई पर्याप्त कारण या न्यायोनित्य नहीं हैं;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-के अनुसरण में नीवे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को मंसद के किसी भी सदन के या किसी राज्य/मध्य राज्य धोत्र के विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्धारित घोषित करता है।

सारणी

क्रम सं.	निर्वाचन का विवरण	निर्वाचन धोत्र की अ.सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहता का कारण
1	2	3	4	5
1.	केरल विधान सभा के लिए साधारण निर्वाचन, 1987	15—पैरावर	श्रो यामस पी.डी., पिनाट्टे हाउस, शाकघर इरिट्टी, केरल।	लेखा रीति से दाखिल नहीं किया गया।
2.	—वही—	15—पैरावर	श्री गोविन्दन पी.वी., सन्तोष भवन, डाकघर कीमालुर, केरल।	—वही—
3.	—वही—	21—पैराम्बरा	श्री जार्ज जोसेफ इलावुक्काल हाउस, डाकघर-चंगारोड, पिन-673528 (केरल)।	—वही—

1	2	3	4	5
4.	केरल विधान सभा के लिए साधारण निर्वाचन, 1987।	24—कालीकट-1	श्री एम.सी. ससधरण मुथुयनाचल्ल ल हाउस, डाकघर नाल्लम, केरल।	कोई भी लेखा दाखिल नहीं किया गया।
5.	—वही—	24—कालीकट	श्री कृष्णाय सेथुमाधवन नम्बियार, एन्जानामकाटिल वीदु, डाकघर कावालुन्डी, केरल।	—वही—
6.	—वही—	26—बेपुर	श्री अम्बुल्लाकट्टी, पोयिलिल मानाकथाववे, डाकघर—पाल्पीरकाव, कोलिकोड, केरल।	—वही—
7.	—वही—	32—नीलाम्बुर	श्री एस.एस. प्रभाकरण, नायर, कोट्टू वादाक्कीदाप वीदु, मूथेदम-डाकघर, केरल।	—वही—
8.	—वही—	32—नीलाम्बुर	श्री के.पी. माधवन नायर, बुलीथन्वेरी वीदु, नीलाम्बुर, केरल।	—वही—
9.	—वही—	32—नीलाम्बुर	श्री ज.न फिलीपोस (सी.पी. जन), थाकिडीयिल वीडुथियाडीकल, डाकघर—थिरुवल्ला, केरल।	—वही—
10.	—वही—	34—मल्लापुरम	श्री मांदोवन कुनहाली, बेंगारा, कोवेरी पाडी ड्ला, केरल।	—वही—
11.	—वही—	36—तिरुरानगाडी	श्री अराक्कल पालायिल, इमविदीककैया, पालाक्कल मकान डा.घ. छेट्टीपाडी मल्लापुरम जिला, केरल।	—वही—
12.	—वही—	—वही—	श्री के. गंगाधरन, डाकघर छेट्टी पाडी पाराप्पन अनगाडी मल्लापुरम जिला, केरल।	—वही—
13.	—वही—	37—तानुर	श्री कश्कारानीक्कल मोश्दीन पाकारा, डाकघर—तानालुर, मल्लापुरम जिला केरल।	—वही—
14.	—वही—	37—तानुर	श्री पारुथीकक्षान मोहम्मदाजी डाकघर इदारीकोड, केरल।	—वही—
15.	—वही—	38—तिरुर	श्री चोलाक्कल माधवन, चोलाक्कल हूआउस, डाकघर—तिरक्कानापुरम 679573, केरल।	—वही—

1	2	3	4	5
16.	केरल विधान सभा के लिए साम्बारण निर्वाचन, 1987	38—तिरुर	श्री कूनानगट्टपाराम्बिल मोहम्मद, साहूया निवास, पारायिल, रोड, तिरुर-7, केरल।	कोई भी लेखा दाखिल नहीं किया।
17.	—वही—	39—पोलानी	श्री के. मुनिकारीमिल, हाउस, इडाप्पल, डाकघर मल्लपुरम, जिला केरल।	—वही—
18.	—वही—	40—कट्टीपुरम	श्री पाट्टाथिल अथामू, पट्टाथिल हाउस, डाकघर थालाक्काडायुर-6761303, केरल।	—वही—
19.	—वही—	40—कट्टीपुरम	श्री सी. पी. कुन्हीन, कट्टीप्पुर्ली डाकघर वालनप्पेरी-676552, केरल।	लेखा रीति से दाखिल नहीं किया।
20.	—वही—	42—पेरोनथालमशा	श्री जेकब सी. कल्लूमपुरायु, पुत्र श्री के. सी. डाकू, कल्लूमपुरायु किडांगु, डाकघर पेरीजटालमशा, केरल।	—वही—
21.	—वही—	—वही—	श्री मोहम्मद फारूक मौलवी, पुत्र श्री अनूबेकर मौलवी डाकघर—कल्लाडीपट्टा पट्टाम्बी, केरल।	—वही—
22.	—वही—	43—श्रीथाला (ब.जा.)	श्री एम. पी. वेलायुथम चेसामकुम्लीपाराम्बिल वीडु, अम्माक्कारा, डाकघर ओटाप्पलम तालुक केरल।	लेखा रीति से दाखिल नहीं किया गया।
23.	—वही—	—वही—	श्री पी. वेलायुधन, पालाक्काट्टिल हाउस, डाकघर कोटापदम, पट्टीयारा ग्राम, होट्टाप्पलम तालुक, केरल।	—वही—
24.	—वही—	44—पट्टाम्बी	श्री ओ. पी. रमन, पुत्र श्री कदन कोलाथ, वीडु चुडुवालायुर, शीरनुर, केरल।	—वही—
25.	—वही—	44—पट्टाम्बी	श्री के. हमाजाकिट्टीयोडी हामजा, पुत्र कुनहायामू, डाकघर वालाप्पुजा गया पट्टाम्बी, केरल।	—वही—
26.	—वही—	—वही—	श्री पुक्काट्टीरी राजगोपालन पुत्र श्री कुन्हीराम मेनन डाकघर शंकरमंगलम, पट्टाम्बी, केरल।	कोई भी लेखा दाखिल नहीं किया गया।

1	2	3	4	5
27.	केरल विधान सभा के लिए	51—कौलनगोड साधारण निर्वाचन, 1987	श्री ई.एम. सुलेमान थांकथाम, बाजबदूर डाकघर चिसूर तालुक, केरल।	कोई भी लेखा दाखिल नहीं किया गया।
28.	—वही—	85—उदमबन चौला	श्री थकाइन, मिलयाटिल हाउस, कुथुम्फल डाकघर, उदमबन चौला, केरल।	लेखा रीति से दाखिल नहीं किया गया।

[सं. 76/केरल-वि.स./87 (58 से 65)]
आदेश से,
सी.एल. रोज, सचिव

ORDER

O.N. 132.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People/Legislative Assembly specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses in the manner/has not lodged the account at all as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder.

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after

due notice or the Election Commission, after considering the Representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

No.	Particulars of election	S.No. and name of constituency	Name of contesting candidates	Reasons for disqualification
1	2	3	4	5
			S/Shri	
1.	General Election to the Kerala Legislative Assembly, 1987	15-Peravoor	Thomas P.D. Pinatte House, P.O. Iratty, Kerala	Account not lodged in the manner
2.	-do-	-do-	Govindan P.V., Santhosh Bhavan, PO Keezhallur, Kerala.	Account not lodged in the manner
3.	-do-	21-Perambra	George Joseph, Elavunkkal House, PO-Changaroth Pin-673528, Kerala.	-do-
4.	-do-	24-Calicut-I	M.C. Sasidharan, Muthuvanachalil House, PO-Nalallam, Kerala.	Account not lodged at all
5.	-do-	-do-	Kunnath Sethumadhavan Nambiar, Eenjanamkattil veedu, PO-Kadalundi, Kerala	-do-

1	2	3	4	5
6.	General Election to the Kerala Legislative Assembly, 1987	26-Beypore	Abdullahutty, Poyilil Manakkadave, PO Pantheerankave, Kozhikode, Kerala.	Account not lodged in the manner
7.	-do-	32-Nilambur	M.S. Prabhakaran Nair, Kettu vadakkedath veedu, Moothedam, P O-Kerala	-do-
8.	-do-	-do-	K.P. Madhavan Nair, Puliyancheri Veedu, Nilambur, Kerala.	-do-
9.	-do-	32-Nilambur	John Philipose (C.P. John), Thakidiyil Veedu, Thiyyadikkal, PO Thiruvalla, Kerala	-do-
10.	-do-	34-Malappuram	Mandocan Kunhalil, Vengara, Kacheripadi- PO-Kerala.	
11.	-do-	36-Tirurangadi	Arakkal Palayil Imbichikkoya, Palakkal House, PO-Chettippai, Malappuram District, Kerala.	Account not lodged at a
12.	-do-	-do-	K. Gangadharan, PO-Chettippadi, Parappanangadi, Malappuram District, Kerala.	-do-
13.	-do-	37-Tanur	Kakkaranikkal Moideen, Pakara, PO-Tanalur, Malappuram District, Kerala.	-do-
14.	-do-	-do-	Paruthikkunnam Muhammadaji, PO-Edarikkode, Kerala.	-do-
15.	-do-	38-Tirur	Cholakkal Madhavan, Cholakkal House, PO- Trikkanapuram-679 573, Kerala.	-do-
16.	-do-	-do-	Koonangattuparambil Muhammad Lohya Nivas, Parayil Road, Tirur-7- Kerala	-do-
17.	-do-	39-Ponnani	K. Unni, Karimbil House, Edappal-PO, Malappuram District, Kerala.	-do-

1	2	3	4	5
18.	General Election to the Kerala Legislative Assembly —1987	40—Kuttippuram	Pattathil Ayamu, Pattathil House, PO-Thalakkadathur-676103 Kerala.	Account not lodged at all
19.	-do-	-do-	C.P. Kunheen, Kattipparuthi, PO-Vanchery-676552 Kerala.	Account not lodged in the manner.
20.	-do-	42—Perint almannā	Jacob C. Kallumpuratku, S/o K.C. Chacko, Kallumpurathu Kidingu PO-Perintalmannā, Kerala	Account not lodged at all.
21.	-do-	-do-	Mohammed Farooq Meulavi, S/o Aboobacker Moulavi, PO-Kalladipatta, Pattambi, Kerala.	-do-
22.	-do-	43—Thrithala (SC)	M.P. Velayudhan, Chennamkuzhiparambil Veedu, Anakkara, P.O., Ottappalam Taluk, Kerala.	Account not lodged in the manner
23.	-do-	-do-	P. Velayudhan, Palakkottil House, PO—Kottappadam, Pattithara Village, Ottappalam Taluk, Kerala.	-do-
24.	-do-	44—Pattambi	O.P. Raman, S/o Kandan Koolath Veedu, Chuduvalathur, Shornur, Kerala.	Account not lodged in the manner.
25.	-do-	-do-	K. Hamza Kitithodi Hamza, S/o Kunhayamu, PO-Vallappuzha, Via—Pattambi, Kerala.	-do-
26.	-do-	-do-	Pookattiri Rajagopalan S/o Kunhirama Menon, PO—Sankaramangalam, Pattambi, Kerala.	Account not lodged at all
27.	-do-	51—Kollengode	T.M. Sulaiman, Thankayam, Vadavannur PO, Chittur Taluk, Kerala.	-do-
28.	-do-	85—Udumbanchola	Thankachan, Malayattil House, Kuthumkal PO, Udumbanchola, Kerala.	Account not lodged in manner.

नई दिल्ली, 23 नवम्बर, 1987

New Delhi, the 23rd November, 1987

ग्रन्थिपत्र

आ. अ. 133:—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13के अंतर्गत जारी की गई और भारत के राजपत्र में प्रकाशित आयोग को असुमूचना संख्या 154/सिक्कम/87, दिनांक 23 अप्रैल, 1987 में “उस तारीख से जिसको वह कार्यभार सम्भालता है” शब्दों के स्थान पर, “9 दिसम्बर, 1986 से” शब्द रखे जाएंगे।

[संख्या 154/सिक्कम/87]

आदेश से

आर० पी० भल्ला, सचिव,
भारत निर्वाचन आयोग।

CORRIGENDUM

O.N. 133.—In the Commission's Notification No. 154[SKM]87, dated the 23rd April, 1987, issued under section 13A of the Representation of the People Act, 1950 (43 of 1950) and published in the Gazette of India, for the words “with effect from the date he takes over charge” the words “with effect from 9th December, 1986” shall be substituted.

[No. 154[SKM]87]

By Order,

R. P. BHALLA, Secy.
Election Commission of India